

**MINUTES OF SPECIAL TOWN BOARD MEETING OF October 28, 2019  
HELD AT THE TOWN HALL, 8529 MAIN ST., CAMPBELL, NEW YORK**

**PRESENT:** **Town Board Members:** John R. Tschantre; Jeffrey Horton, Glenn Vogel (late 7:19 p.m.) and James F. Drumm; **Town Clerk:** Michelle L. Seeley

**ABSENT:** Terry E. Wheat

**GUESTS:** Audrey Whitcomb, Edward Krevey, Wayne Crosier, Joe Seeley, Frank and Grace Horton Huey, Denice Thompson

**Compliance with Open Meetings Law.**

The meeting was called for the purpose of discussing the Preliminary 2020 Budget, the proposed Tax Cap Override LL # 2 of 2019, and to take any other action as deemed necessary. Notice of this meeting was emailed to The Leader on October 17, 2019 and said notice was printed in the Corning Leader on October 19, 2019 and also posted on the Town Clerk's sign board in the Town Hall and on the Town's website.

**Call to Order/Pledge /Roll Call.**

Supervisor Jeffrey Horton called the Public Hearing to order at 7 p.m. at the meeting room of the Campbell Town Hall and led the pledge of allegiance. The Town Clerk then took roll call. Terry Wheat and Glenn Vogel were absent.

**Preliminary Budget**

The preliminary 2020 Budget public hearing was opened at 7:00 pm Mr. Horton asked if anyone had questions about the 2020 budget. Joseph Seeley asked the Board why if there was a 2% Tax cap did everyone employed by the town get a 4% raise with the exception of the Town Clerk who was given a 2% raise.

Mr. Horton explained that when the previous Clerk had retired the position was contracted to cover posted hours plus meetings as a salaried position. The hours of the office had changed from 8 am to 4 pm to 9 am to 4 pm Monday through Friday and therefore the clerk was only working 35 hours per week and had gotten the biggest raise. Mr. Seeley stated that the Town Clerk works on average 45 hours per week with meetings and appointments on the weekends.

Again Mr. Horton stated that the position is a salaried one and with the change in posted office hours, which are acceptable, and 35 not 40 hours per week the clerk had gotten the largest raise. Mr. Horton asked Mr. Seeley if he understood what a salaried position was and wanted to make sure he understood the way the raise was figured. Mr. Seeley was not satisfied with the answer but relinquished the floor.

Mr. Horton asked if there were more questions from the audience, there were no more questions.

A motion to close the public hearing at 7:06 pm was made by John Tschantre and seconded by James Drumm

A vote to close the meeting was passed 3 Aye-0 Nay 2 Absent

**Tax Cap Override**

The Public Hearing for the Tax Cap Override was opened at 7:07 pm.

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Mr. Horton asked if there were any questions from the public. There was no public comment offered.

Mr. Horton read the proposed Local Law 2 of 2019 as follows:

### Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Campbell, County of Steuben pursuant to General Municipal Law§ 3-c, and, to allow the Town of Campbell, County of Steuben to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2020 that requires a real property tax levy in excess of 'the' "tax levy limit" as defined by General Municipal Law-§ 3-c.

### Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law§ 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

### Section 3. Tax Levy Override

The Town Board of the Town of Campbell, County of Steuben is hereby authorized to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the limit specified in General Municipal Law, Law-§ 3-c.

### Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, individual, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its application to the, person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

### Section 5.

This Local Law shall take effect immediately upon filing with the Secretary of State.

The public hearing was closed at 7:10 pm by motion of James Drumm and seconded by John Tschantré.

Adopted by vote: 3 Aye- 0 Nay 2-Absent

### **Tax Cap Override Local Law No. 2 of 2019.**

RESOLUTION #25-2019 was offered by James Drumm and seconded by John Tschantré as follows:

WHEREAS, at the Town Board meeting held October 15, 2019 the Town Clerk was directed to set a public hearing on the tentative Local Law #2 of 2019 as a local law to override the tax levy limit established in General Municipal Law Section 3-c, October 28, 2019 at 7:00 p.m. to hear all interested parties on a proposed local law entitled "Tax Cap Override Law",

WHEREAS, a Notice of Public Hearing was duly advertised in The Leader on October 19, 2019 and notice was duly posted on the sign board in the Town Hall; and

WHEREAS, said public hearing was duly held on October 28, 2019 at 7:00 p.m., with no public comment offered;

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NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts said Local Law No. 2 of the Year 2019 entitled "Tax Cap Override Law", a copy of which is attached hereto and made a part of this resolution, and

BE IT FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to file same as Local Law #2 of 2019, to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Absent; and Tschantre-Aye  
Vogel-Absent

### **Snow Removal**

A letter of interest from Joe Gauss was read by Jeffrey Horton to the board for the 2019-2020 season snow removal position. Mr. Horton explained that the position had been advertised for several weeks and that the deadline had been extended three times, and that Mr. Gauss was the only respondent.

Mr. Horton asked if anyone on the Board had an objection to offering the position to Mr. Gauss. With no objections being made a Motion to hire Joe Gauss for the 2019-2020 season to do the snow removal was made by John Tschantre and seconded by James Drumm.

Adopted by vote: 3 Aye- 0 Nay 2- Absent

### **Public Comment**

Mr. Edward Krevey of Wendell Road in Painted Post, asked Mr. Tschantre why, after the water district project in his area, 3 years ago (Water District 3) did the contractor not clean up the mess that was made in Mr. Krevey's yard. Mr. Krevey stated that Mr. Tenant and Mr. Tschantre told the residents that if there were any issues that they should contact them to resolve the issues.

Mr. Krevey felt that Mr. Tschantre and Mr. Tenant lied to he and his neighbors and Mr. Krevey has come in on multiple occasions to try and get a resolution to his issues but nothing has been done. He would like to know who is responsible for the mess that was created and how it will be fixed.

He said that Tom Austin did fix one of the issues with the water overflow and then thanked him for that.

Mr. Krevey stated that he and his neighbors had paid in excess of \$10,000 to have their driveways paved but the contractor was not able to complete the job because he could not pave over the valve at the end of the driveway.

Mr. Horton suggested that it was not the Boards responsibility but the contractors to refund the money that Mr. Krevey and his neighbors paid to have their driveways paved, and that he should contact the contractor or take him to court.

Jeffrey Horton promised to contact Mrs. Whitcomb with the Water District project contractor's information.

### **Adjournment.**

There being no further business before the Board, the meeting was, upon motion by Jeffrey Horton and seconded by John Tschantre, adjourned at 7:30 p.m.

Respectfully submitted,

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MICHELLE L. SEELEY  
Campbell Town Clerk

**DATED:** November 4, 2019.

Distribution list

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